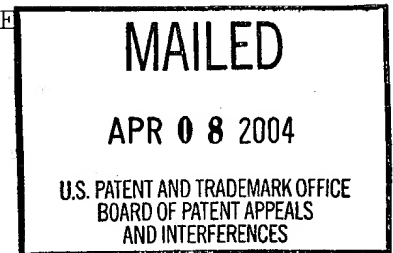


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte EDWARD S. MISZCZAK AND MILENA KRILIC-ANDAN

Application No. 09/227,242

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on January 15, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The Examiner's Answer was not signed by the Primary Examiner. Appropriate correction is required.

Further, appellants filed a Reply Brief dated September 6, 2003, in response to the Examiner's Answer mailed July 8, 2003. It is not clear from the record that the Reply Brief has been considered and/or acknowledged by the examiner.

Application No. 09/227,242

Accordingly, it is

ORDERED that the application is returned to the examiner to:

1) mail a signed copy to applicant's the Examiner's Answer dated July 8, 2003;

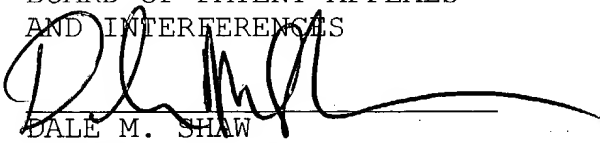
2) that this application be retained in Technology Center 1700 for two months after mailing of the new Examiner's Answer as to permit appellants to respond to the new Examiner's Answer;

3) acknowledgment of the Reply Brief dated September 6, 2003; and

4) for such further action as appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



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RA04-0416

Application No. 09/227,242

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